

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN RE:

CHAPTER 13 CASE NO:

LINDA STEWART

18-14416-JDW

NOTICE OF TRUSTEE'S MOTION TO DISMISS

Should any party receiving this Notice respond or object to the Motion to Dismiss, such response or objection is required to be filed on or before February 25, 2019, using the CM/ECF system or with the Clerk of this Court at the following address:

Shallanda J. Clay, Clerk of Court
U. S. Bankruptcy Court
Northern District of Mississippi
703 Highway 145 North
Aberdeen, MS 39730

A copy must be served on the Chapter 13 Trustee. If no response is filed, the Court may consider the Motion immediately after the time has expired. In the event a written response is filed, the Court will notify you of the date, time and place of the hearing thereon.

CERTIFICATE OF SERVICE

I, the undersigned attorney for the Chapter 13 Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: January 31, 2019

**LOCKE D. BARKLEY,
CHAPTER 13 TRUSTEE**

/s/ Melanie T. Vardaman
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
6360 I-55 North, Suite 140
Jackson, Miss. 39211
(601) 355-6661
ssmith@barkley13.com

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN RE:

CHAPTER 13 CASE NO:

LINDA STEWART

18-14416-JDW

MOTION TO DISMISS

COMES NOW Locke D. Barkley, Chapter 13 Trustee (the “Trustee”), by and through counsel, and files this Motion to Dismiss (the “Motion”) and in support thereof states as follows:

1. The Debtor commenced this proceeding by filing a Voluntary Chapter 13 Petition on November 7, 2018 (the “Petition Date”). The 341(a) Meeting of Creditors was scheduled for January 29, 2019 (Dkt. #18). The Debtor failed to appear at the scheduled 341(a) Meeting of Creditors. Therefore, this bankruptcy case should be dismissed.

2. The Debtor has failed to commence making plan payments pursuant to 11 U.S.C. § 1326(a)(1). As of the filing of this Motion no payments have been made. Therefore, the Debtor’s case should be dismissed pursuant to 11 U.S.C. § 1307(c)(4).

3. For the reasons set forth herein, the Trustee submits that the Debtor’s case should be dismissed.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that upon notice and hearing that this Court enter its order granting the Motion. The Trustee prays for other such general and specific relief as this Court may deem just.

Dated: January 31, 2019.

Respectfully submitted,

**LOCKE D. BARKLEY,
CHAPTER 13 TRUSTEE**

BY: /s/ Melanie T. Vardaman
MELANIE T. VARDAMAN (MSB# 100392)
W. Jeffrey Collier (MSB 10645)
Attorneys for the Chapter 13 Trustee
6360 I-55 North, Suite 140
Jackson, Miss. 39211
(601) 355-6661
ssmith@barkley13.com

CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: January 31, 2019

/s/ Melanie T. Vardaman
MELANIE T. VARDAMAN